

The Charleston Daily News

VOLUME VI.—NUMBER 8061. CHARLESTON, S. C., THURSDAY MORNING, MARCH 19, 1868. [EIGHTEEN CENTS A WEEK]

BY TELEGRAPH.

Our European Dispatches.

[BY ATLANTIC TELEGRAPH.]
LONDON, March 18.—The whole Irish reform measure goes over to the next session of Parliament.

MADRID, March 18.—Peace envoys from Chile and Peru are hourly expected at Cadiz.

LONDON, March 18.—Consols 93½. Bonds 72½. 72½.

LIVERPOOL, March 18.—Cotton firmer and more active, and a favorable trade reported. Advance 1-16d; sales 12,000 bales; Up-lands 10½d; Orleans 10½d. Other articles unchanged.

LIVERPOOL, March 18.—Cotton and Breadstuffs unchanged. Seaf, 20s. Pork, 78s 6d. Lard, 57s 6d. Sugar firm.

EVINGTON.—Cotton closed active; Up-lands, in port, 10½d; afloat, 10½d; Orleans, 10½d to 10½d; Sales, 15,000 bales.

Our Washington Dispatches.

EXAMINATION OF THE PRESIDENT'S WITNESSES.—DECISION IN THE MIDDLE CASE.—BROWLOW DON'T WANT FEDERAL AID—ALASKA OUT IN THE COLD.—THE ALABAMA LEGISLATURE.—WHEAT TRAD, STEVENS PROPOSES, &c., &c.

WASHINGTON, March 18.—It is stated the impeachment managers are examining the President's witnesses with a view of shortening the trial by admitting any point he may desire and be able to prove.

The McRee opinion is said to be prepared, Miller and Swayne dissenting. It is said to be strongly adverse to the constitutionality of the Reconstruction act, but it is doubtful if it is promulgated before the bill forbidding it becomes a law. Judgment cannot be rendered after the act removing jurisdiction becomes a law, as in the case of Chiam vs. the State of Georgia.

The President is engaged with his counsel. Few visitors are admitted.

Brownlow telegraphs that he don't want Federal assistance.

The Revenue to pay \$247,000.

Considerable opposition to paying for Alaska has been developed in the House Committee of Foreign Affairs.

Secretary McCulloch denies locking up greenbacks or purchasing seven-thirties.

The Attorney-General protests against a reduction of the appropriation for that department.

Celebrated cotton cases from Springfield, Illinois, have been argued in the Supreme Court. The cotton was captured in Onchita by Porter's fleet. It involves a half million.

The Alabama Legislature is to meet thirty days after the passage of the new act. The second session of the old bill has been omitted in the new one.

CONGRESSIONAL.

IN THE HOUSE, the bill declaring the provisions of the State Constitution making political distinctions on account of color void, was discussed at great length. Stevens proposed a substitute, giving suffrage to every male born or naturalized in the United States, and forbidding distinctions of any kind on any account, except crime at common law, which he supported by a long speech. The bill and substitute was referred to the Judiciary Committee.

Farnsworth, from the Reconstruction Committee, reported a bill admitting Alabama to representation. The bill is somewhat similar to the one recommended yesterday. Farnsworth notified the House that he would ask a vote tomorrow. They afterwards adjourned.

IN THE SENATE the bill was discussed. There was no other important action.

The Reconstruction Conventions.

RICHMOND, March 18.—The convention adopted an ordinance levying a tax of three cents on the hundred dollars on real and personal property, to be collected by the sheriffs, to pay the expenses of the convention. A proposition to petition Congress for the money was voted down.

General Schofield has issued an order explaining that his order suspending sales under deeds of trust does not apply to debts contracted after April, 1865, nor since the date of the order.

Affairs in North Carolina.

RALEIGH, N. C., March 18.—The Hon. Thos. S. Ashe, of Anson County, accepts the nomination for Governor by the Conservatives of this State.

Our telegram yesterday said that General Littlefield was connected with the Wall-street brokers of New York. This was common rumor. It is understood that he denies it. He seems to be connected with the campaign in this State, on the Radical side, being advertised to speak at several places.

The members of the convention have all left.

Sergeant Bates at Columbia.

COLUMBIA, S. C., March 18.—Sergeant Bates, with his flag unfurled, arrived here this P. M. Hundreds greeted his arrival on the banks of the Congaree River. He was welcomed by Mayor Melton on behalf of the citizens, and escorted to Nickerson's hotel. He will be serenaded to-night.

A Bishop in Trouble.

HAVANA, March 18.—The Bishop of Havana has ordered the curate throughout the island not to ring the bells during Lerendri's passage, in consequence of Lerendri's permission for Ristori to play "Teresa" against the Bishop's protest. Lerendri has ordered the Bishop to leave the island for insubordination.

Negrophobia in New Orleans.

NEW ORLEANS, March 18.—The examination of Governor Baker, on the charge of forgery, preferred by a freedman, commenced before the United States Commissioners this morning.

Alderman Jonbert (colored) has brought suit for ten thousand dollars damages against the Convent of the Sacred Heart, an educational institution, for denying a member of his family admission to its privileges.

Pistols and Coffee for Two.

ATLANTA, March 18.—A duel took place this morning at Sandbar Ferry, between Samuel Williams and W. Jordan, citizens of Atlanta. Nobody hurt.

Heavy Storm.

ALBANY, N. Y., March 18.—No trains are running on the Hudson River or Central Railroads on account of the flood.

Confederation.

MONROE, Mich., March 18.—A large fire has destroyed the hotel, Episcopal Church, post-office and other buildings. Loss \$100,000.

Marine News.

NEW YORK, March 18.—The steamship Mar-mion has arrived from Charleston.

SAVANNAH, March 18.—The steamship Cham-pion has arrived from Charleston.

Market Reports.

NEW YORK, March 18.—Gold 84½. Ster-ling 94. Old Bonds 10½. Virginia 50. North Carolina 50s. ex-coupons, 63½. Flour dropping. Wheat nominally lower. Corn a shade easier. Mess Pork 24½. Lard dull. Cotton firm at 25. Freights dull. Turpentine 55½. Rosin dull; common to strained 31½ to 33.

NEW YORK, March 18.—Evening.—Cotton a shade firmer and in fair demand; sales 3000 bales, at 25½. Flour steady; Southern 9½ to 14½. Wheat dropping. Corn lower; White Southern 11½ to 12½. Beef 50c. higher. Pork 24½. Lard 14½. Sugar active; Muscovado 10½ to 12½. Other groceries quiet. Turpen-tine 55½. Rosin 93 to 107. Freights un-changed. 62 Coupons 100½. Gold 84½; Ster-ling 94.

BALTIMORE, March 18.—Cotton quiet and firmer at 25c. Flour quiet and unchanged. Wheat dull and less firm; Southern 9½ to 90. Corn firmer; White 11½ to 12½. Yellow, 11½ to 11. Oats firmer, at 8½. Rye less firm at 11. Provisions dull. Bacon Shoulders 12 to 12½.

WILMINGTON, N. C., March 18.—Spirits Turpentine advanced and firm at 62½. Broom, strained, 92½; No. 1, 44; Pale, 45. Cotton steady, Middlings, 23. Tar declined, 42 to 20.

AUGUSTA, March 18.—Market quiet and easier; sales, 200; receipts, 400; Middling, 23½ to 24.

SAVANNAH, March 18.—Cotton firm at 25c for Middling; Sales, 225; receipts, 984.

MOBILE, March 18.—Sales, 350, market dull at 24½; receipts, 196; receipts since Friday, 2387; exports, 3900.

NEW ORLEANS, March 18.—Cotton quiet and firm; sales 4500 bales; Middlings 24. Re-cipients, 3404; exports, 3505. Louisiana Sugar—fully fair 14½; prime 15½ to 16½. Molasses 45 to 48 for rebelled. Gold 39½. Bank Sterling 53½ to 54. Commercial 50½ to 52½. Sight Exchange on New York ½ discount.

CINCINNATI, March 18.—Flour dull. Corn firm at 86. Mess Pork 23½ to 24. Bacon active and unchanged. Lard held at 15½.

LOUISVILLE, March 18.—Superfine Flour 85 to 90. Corn 75 to 78. Mess Pork 24. Shoulders 11½; Clear Sides 14½ to 15½. Lard 15½.

THE THREE CONSTITUTIONS.

1790.....1865.....1868.

HOW WE ARE TO BE RECONSTRUCTED.

CHANGES—INFRINGEMENTS—ENLARGEMENTS

WHAT RETAINED, WHAT OMITTED, AND WHAT ADDED.

A NOVEL STUDY FOR OUR PEOPLE.

To meet a general want, we have prepared the following analysis, showing the principal and radical points of difference between the Constitution of 1865 and that adopted by the Reconstruction Convention, with reference, wherever necessary, to the points in which both these latter differ from the old constitution adopted in 1790.

No strict order of comparison has been adopted, but all the provisions relating to any one branch of government are grouped under appropriate heads.

THE BILL OF RIGHTS.

In the Constitutions of 1790 and 1865, the declaration of rights is but a brief affair, but the Constitution of 1868 is prefixed by a bill of rights, consisting of forty-one sections, declaring the abolition of imprisonment for debt, forbidding any qualification upon suffrage, prohibiting bribery at elections, and providing penalties for duelling, besides expressing the opinions of the convention as to what should be the organic law of the State upon all subjects from being born "free and equal," to the opening of all navigable waters free of tax or toll. This Bill of Rights is known as article I. in the 1868 Constitution.

THE LEGISLATIVE DEPARTMENT.

Under the Constitution of 1790 no person was eligible to a seat in the House of Representatives who was not free, white, twenty-one years of age, a citizen and resident for three years prior to election, and the possessor of a freehold estate of five hundred acres and ten negroes, or of unincumbered real estate to the value of one hundred and fifty pounds. No citizen was eligible as senator who had not been a resident for five years, and had not a settled freehold estate of the value of three hundred pounds free of debt. These qualifications found no place in the Constitution of 1865, nor, of course, are they found in that of 1868.

THE HOUSE OF REPRESENTATIVES.

By the Constitution of 1865 the legislative authority is vested in a Senate and House of Representatives, the latter to consist of one hundred and twenty-four members, apportioned according to population and taxation, one representative being allowed for every sixty-second part of the whole number of white inhabitants, and one for every sixty-second part of the whole taxes raised by the General Assembly, at least one representative being given to each election district, but not more than twelve being allowed to any one district.

No person was eligible unless free, white, twenty-one years old, a citizen and resident for three years, and for six months prior to election a resident of the district from which elected. Members were to be chosen every two years by ballot.

Under the Reconstruction Constitution the number of representatives is the same, but the apportionment is to be made according to population alone, provided that the representation is to be as follows until an enumeration of the inhabitants of the State shall have been made as directed in 1869:

Abbeville, 5; Anderson, 3; Barnwell, 6; Beau-fort, 7; Charleston, 18; Chester, 3; Clarendon, 2; Colleton, 5; Chesterfield, 2; Darlington, 9; Edgefield, 7; Fairfield, 3; Georgetown, 3; Green-ville, 4; Horry, 2; Kershaw, 2; Lancaster, 2; Laurens, 4; Lexington, 2; Marion, 4; Marlboro', 3; Newberry, 3; Oconee, 2; Orangeburg, 3; Pickens, 1; Richland, 4; Spartanburg, 4; Sum-ter, 4; Union, 3; Williamsburg, 3; York, 4.

It will be observed that the names of all dis-tricts have been changed to counties, and that Pickens has been divided so as to form the new county of Oconee.

One representative is to be allowed to every one hundred and twenty-fourth part of the whole number of inhabitants, each district being allowed at least one representative, and no restriction as to the number allowed to each district being imposed.

No person is eligible as a representative who has not been a citizen and resident for one year prior to the elections, or who has been convicted of any infamous crime.

THE SENATE.

Under the Constitution of 1865 Charleston had two senators and each other district one, one-half of the whole number of senators

going out of office every two years. No per-son was eligible who was not free, white, aged thirty, and a citizen and resident for five years preceding the elections.

Under the Reconstruction Constitution the appointment is the same, and the rotation of office the same. All persons, however, are elig-ible as senators who have been citizens for one year and residents for three months, and have not been convicted of an infamous crime, and are twenty-five years old.

ELECTIONS.

Under the Constitution of 1865 the elections were to be held on the third Wednesday in Oc-tober in every second year, and the legislature was to meet annually in Columbia on the fourth Monday in November.

Under the Reconstruction Constitution the first election is to be held on April 14th, 15th and 16th, 1868, on the third Wednesday in Oc-tober, 1870, and on the same day in every sec-ond year thereafter. The legislature is to meet annually on the fourth Tuesday in No-vember.

Under the Reconstruction Constitution the legislature has the customary power to punish by imprisonment any person who may be guilty of disrespectful, disorderly or contemptu-ous conduct in its presence, or who shall threaten or assault the members, but the proviso is inserted that such imprisonment shall not extend in term beyond the session of the General Assembly.

GENERAL ELIGIBILITY.

Under the Reconstruction Constitution, no person is eligible as a member of the General Assembly while he holds office under the old States or this State as in the Constitution of 1865, with the exception that the clause making ineligible, contractors of this State or of the United States and their agents, is omitted, and a proviso is inserted that these ineligible shall not extend to the members of the first General Assembly. The disqualify-ing clause of the Constitution of 1865 is also found in the Constitution of 1790.

THE PUBLIC TREASURY.

The Constitutions of 1790 and 1865 declare that no money shall be drawn out of the public treasury but by the legislative authority of the State.

The Reconstruction Constitution provides that "no money shall be drawn from the treasury but in pursuance of an appropriation made by law; and a regular statement and ac-count of the receipts and expenditures of all public moneys shall be published annually in such manner as may be by law directed."

A GREAT SEAL OF THE STATE.

The Reconstruction Constitution, like that of 1790, provides that a great seal of the State shall be appended to each bill when it becomes a law; the executive seal is hereafter not to be used. In the Constitution of 1865 no mention is made of a "great seal," but in the Recon-struction Constitution it is provided for as follows:

There shall be a seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

PER DIEM.

By the Constitution of 1790, the per diem was seven shillings sterling; but that of 1865 it was five dollars, and twenty cents mileage; by the Reconstruction Constitution the first legisla-ture is to receive six dollars per day and twen-ty cents mileage, after which the compensa-tion is to be fixed by law; the same rule to apply to extra sessions. The following clause of the Constitution of 1865 is omitted: "But no alteration shall be made to take effect dur-ing the existence of the General Assembly which shall make such alteration."

THE JUDICIALS.

The Reconstruction Constitution provides that the journals of the legislature shall be "published immediately after its adjournment, excepting such parts as in its judgment may require secrecy. Any member of either House shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals."

A SECRET SESSION.

Under the Reconstruction Constitution the oath to be administered to all persons holding offices of profit and trust is in many respects the same as that contained in the Constitu-tions of 1790 and 1865, but it contains a recog-nition of "the supremacy of the Constitution and laws of the United States over the consti-tution and laws of any State."

IMPEACHMENT.

The Reconstruction Constitution provides that a majority of the House shall be required to impeach, while under the Constitutions of 1790 and 1865 the concurrence of two-thirds was required.

The three constitutions agree that two-thirds of the senators present shall be required to convict.

A HOMESTEAD.

In the old constitutions there is no provision for a homestead exemption. The following is the homestead law adopted by the Recon-struction Constitution: "The family home-stead of the head of each family, residing in this State, such homestead consisting of dwell-ing house, out-buildings and land appurte-nant, not to exceed the value of one thousand dollars, and yearly product thereof, shall be exempt from attachment, levy or sale on any money or final process issued from any court. To secure the full enjoyment of said home-stead exemption to the person entitled thereto, or to the head of a family, the personal prop-erty of such person, of the following charac-ter, to wit: household furniture, beds and bed-ding, library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine and sheep, not to exceed in value in the aggregate the sum of five hundred dollars, shall be subject to like exemption as said homestead, and there shall be exempt in addi-tion thereto the necessary wearing apparel. Provided, That no property shall be exempt from attachment, levy or sale, for taxes, or for payment of obligations contracted for the purchase of said homestead, or the erection of improvements thereon; Provided further, That the yearly products of said homestead shall not be exempt from attachment, levy or sale, for the payment of obligations contracted in the production of the same."

THE EXECUTIVE DEPARTMENT.

THE GOVERNOR.

By the Constitution of 1790, the Governor was to be elected by the General Assembly for

two years, and by the Constitution of 1865 was to be elected by the people for four years, and in neither was eligible for immediate re-election.

By the Reconstruction Constitution, the Gov-ernor is to be elected by the people for four years, and is eligible for immediate re-election. The election to take place at the same time as elections for members of the General Assem-bly, and the Governor to be installed at the first session thereafter.

No person was eligible as Governor, under the Constitution of 1790, unless he was thirty years of age, had been a citizen of the State ten years, and was possessed of a freehold estate of the value of \$1500. This property qualification was omitted in the Constitution of 1865. By the Reconstruction Convention it is provided that no person shall be eligible to the office of Governor who denies the existence of a Supreme Being; or who, at the time of such election, has not attained the age of thirty years, and who, except at the first elec-tion under this constitution, shall not have been a citizen of the United States and a citi-zen and resident of this State for two years next preceding the day of election.

THE QUALIFICATIONS FOR THIS OFFICE ARE THE SAME AS FOR THE GOVERNOR IN ALL THE CONSTITUTIONS.

THE VETO POWER.

Under the Constitution of 1865 only a majority of each House was required to pass a bill over the veto of the Governor and make it a law, and only two days were allowed in which the Governor should return the same; and neither House was to read any new bill on the last day of its session. According to the Re-construction Constitution, two-thirds of each House is necessary to override a veto, and three days are allowed in which bills may be returned. But when the General Assembly adjourns before the expiration of such three days, the Governor shall return the bills in question within two days after the next meet-ing of the legislature. This clause puts an end to pocket vetoes.

THE RIGHT OF SUFFRAGE.

Under the Constitution of 1790 every free white man, twenty-one years old, a resident of the State for two years previous to the election, and who had a freehold of fifty acres, or a town lot, or had paid a tax of three shillings, had a right to vote.

Under the Constitution of 1865, the voter must be a free white man, twenty-one years old, not a pauper, or in the military or naval service of the United States. He must have been a citizen of the State, or an emigrant who had declared his intention of becoming a citizen. He should have resided in the State two years and in the election district six months pre-ceding the election. A district of voters was required, and disqualification was imposed as a punishment for crime.

In the Reconstruction Constitution, every male citizen, twenty-one years old, without distinction of race or color or former condi-tion who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote, sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any election; Provided, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States; until such disqualification shall be re-moved by the Congress of the United States; Provided further, That no person, while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

Electors are privileged from arrest and civil process—except in cases of treason, felony or breach of the peace—during their attend-ance at elections.

Sixty days residence in the county in which he votes shall entitle any person to any office elective by the people.

The General Assembly shall not deprive any citizen of the right of suffrage, except for treason, murder, robbery and duelling.

The highest number of votes elects in all cases.

The required qualifications by residence shall not be enforced at the forth-coming elec-tions.

No person shall be disfranchised for felony or other crime committed while such a person was a slave.

FINANCE AND TAXATION.

By the Constitution of 1865 all taxes are to be laid upon the actual value of the property and taxed according to the assessment made. At the same time a capitation tax was imposed, which should not be less upon each poll than one-fourth of the tax laid upon each one hundred dollars' worth of the assessed value of the land taxed.

By the Reconstruction Constitution, real, personal and possessory property is to be uni-formly taxed, but in the case of mines and mining claims, municipal, educational, liter-ary, scientific, religious or charitable institu-tions an exception is made. A poll tax of one dollar is imposed for the exclusive benefit of a school fund. No additional poll tax shall be levied by any municipal corporation. All lands and improvements thereon must be valued and assessed prior to 1870, and, thereafter, every fifth year.

The State is permitted to contract public debts, which, however, must be accompan-ied by a specific tax sufficient to pay the annual interest upon the same. Municipal and cor-porated taxes, uniform with those of the State, may be imposed.

A statement of the receipts and expenditures of the public money shall be published at every regular session of the General Assembly; and the fiscal year shall commence on the first day of November in each year.

No debt contracted by the State in behalf of the land rebellion shall, in whole or in part, ever be paid.

EDUCATION.

In this respect the Reconstruction Consti-tution contains clauses which are a novelty. The article on this subject provides for a State Superintendent of Education to be elected by the people, also for one School Commissioner in each county. The State is to be divided into School Districts, in which one or more schools shall be kept open at least six months in every year.

All the public schools, colleges, and institu-tions of the State, supported by the public funds, shall be free and open to all the chil-dren and youths of the State, without regard to race, color, or previous condition.

COMPLULSORY EDUCATION.

It is made the duty of the legislature to pro-vide for the compulsory attendance, at either

money for county purposes, and in every other case that may be necessary to the internal im-provement and local concerns of the respective counties; Provided, that in all cases there shall be the right of appeal to the State Courts.

PROBATE COURTS.

A Court of Probate shall be established in each county, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors, and the allotment of dower in cases of idiosyncrasy and lunacy, and persons non compos mentis. The judge of said court shall be elected by the qualified electors of the respective districts for the term of two years.

JUSTICES OF THE PEACE.

These are to be elected in each county for two years, to be commissioned by the Governor, and have original jurisdiction in cases of bas-tardy, and in all matters of contract, and ac-tions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions ex delicto, where the damages claimed do not exceed one hun-dred dollars; and prosecutions for assault and battery and other penal offences; less than felony punishable by fines only.

They may also sit as examining courts and commit, discharge, or recognize (except in capital cases) persons charged with offences, also bind over to keep the peace, or for good behavior.

OFFICERS.

Clerks of the Court are to be elected by the people for four years. The Attorney-General, one solicitor for each circuit, sheriffs and cor-oners, are to be elected in the same manner and for the same term.

LAW AND FACT.

Judges shall not charge jurists in respect to matters of fact, but may state the testimony and declare the law.

REVISION OF LAWS.

The General Assembly is directed at its first session to revise the civil and criminal laws and form a penal code. Such a digest to be made every ten years.

The mode of pleading is to be uniform and without distinction in law or equity.

THE RIGHT OF SUFFRAGE.

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In the Reconstruction Constitution, every male citizen, twenty-one years old, without distinction of race or color or former condi-tion who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote, sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any election; Provided, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States; until such disqualification shall be re-moved by the Congress of the United States; Provided further, That no person, while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

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